Scott. II-27—40,000—27-10-48.

Develpt (1948) Department.

SERIES.

G.O. No. Ms. No 349

Dated 26th January 1948.

[Despatch Abstract.]

ESTABLISHMENTS : AGRICULTURE : UPPER SUBORDINATES : FIXATION OF SENIORITY FOR PURPOSE OF COMPENSATION CONSEQUENT ON THE INTRODUCTION OF THE REVISED SCALE OF PAY : INSTRUCTIONS ISSUED : PAPERS RECORDED.

From
M.S. Sivaraman, Esq., I.C.S.,
Director of Agriculture,
Thepauk, MADRAS.

To
The Secretary to Government,
Development Department,
Madras.

No.A1-770/46 dated the 13th November 1947.

Sir.

Sub: ESTABLISHMENTS - Agriculture - Upper Subordinates Confirmation - Seniority of Janab Md.Jaindulabdeen.

Janab Mohammed Jainulabdeen was first appointed on 7-6-1940 as a probationer in category I of class I of the Madras Agricultura Subordinate Service (upper Subordinate). He was recruited by the Madras Public Service Commission and appointed to the III Grade (Rs.75-105). With a view to provide a more adequate representation to Muslims in the higher grades, the Commission selected four candidates for appointment to I grade (Rs. 155-200) in December 1943. Janab Mohammed Jainulabdeen was one of them and he was accordingly appointed to I Grade with effect from 18-12-1943. By this time he was an approved probationer in Grade III. He completed probation on 10th August 1943.

2. Some substantive vacancies of upper subordinates are now available for the existing approved probationers after making reservation of 66 2/3 per cent of the total vacancies to War Service candidates. Confirmation of approved probationers is done on the basis of seniority. According to rule 29(a) of the General Rules governing Provincial and Subordinate Services, the seniority of a person in a service, class, category or grade shall be determined by the date of his first appointment to such service, class, category or grade. Though Janab Jainulabdeen was first appointed to III Grade on 7-6-1940, he was appointed to I grade on 18-12-1943. If the three grades were in vogue now, he would get a preference for appointment as a full member in I Grade. But in G.O. No.2639 Dev. dated 16th June 1944 the grade system was abolished and a run-on grade was brought into effect from 1st July 1944. It is not clear whether any preference should now be shown to him in confirming him or whether his seniority has to be decided only with reference to the date of his commencing probation, namely, 7-6-1940. I request orders of Government on this point.

V. SEETHARAMA SERVAI
for Director of Agriculture.

GOVERNMENT OF MADRAS
Development Department.

Memorandum No. 111983-A1/47-2 dated the 3rd January 1948.

Sub: ESTABLISHMENT - Agriculture - Upper Subordinates - Fixation of seniority for purpose of confirmation consequent on the introduction of the running scale of pay - Instructions - Issued.
Ref: From the Director of Agriculture, No.A1-770/46 dated the 13th November 1947.

The Director of Agriculture is informed that the correct procedure to be followed is to fix the seniority of the Upper Subordinates with reference to the date of first appointment to the category of Upper Subordinates irrespective of the grade to which they were appointed. He is requested to state whether this will result in any anomalies.

W.R.S. SATTIANADHAN
Secretary to Government.

To the Director of Agriculture.

From
M.S. Sivaraman, Esq., I.C.S.
Director of Agriculture,
Chepauk, MADRAS..

To
The Secretary to Government,
Development Department,
Fort St. George, MADRAS.

No. A1-770/46 dated the 28th January 1948.

Sir,

Sub: ESTABLISHMENT - Agriculture - Upper Subordinates - Fixation of seniority for purposes of confirmation consequent on the introduction of the running scale of pay - Instructions.

Ref: Government Memorandum No.111983-A1/47-2 dated the 3rd January 1948.

With reference to the Government Memorandum cited, it is submitted that persons who were recruited to the Third Grade even as early as 1934 are still waiting to be confirmed in the upper Subordinate Service. In the case of Mr. Md Zainulabudeen he was first recruited to the third grade in June 1940. But for his subsequent direct recruitment to 1st grade on 18-12-1943 he will have to take his turn for confirmation along with others who were similary recruited in the third grade. Mr. Zainulabuddin's recruitment to the first grade in December 1943 conferred on him the right to be confirmed in any first grade vacancies which arose subsequent to his recruitment. Many of the permanent vacancies that have since arisen have been caused by the confirmation in the Madras Agricultural Service of Senior Upper Subordinates and therefore Mr. Zainuelabuddin's chances of confirmation would have been almost assured ~~fe~~ but for the abolition of the grade system on 1-7-1944. This abolition cannot adversely affect the rights which Mr. Zainulabuddin has acquired even earlier. If as suggested by Government, Mr. Zainulabuddin's seniority is now determined with reference to the date of first appointment, disregarding the fact of his direct recruitment to 1st grade, he will get a very low rank and the chances of confirmation which he had acquired previously would be lost.

for SEETHARAMA SERVAI
for Director of Agriculture.

GOVERNMENT OF MADRAS
Development Department.

Memorandum No. 13206-AI/48-3 dated the 26th May 1948.

Sub: ESTABLISHMENTS - Agriculture - Upper Subordinates - Mohammed Zainulabdeen Sahib - Seniority for confirmation - Determination - Instructions.

Ref: From the Director of Agriculture, No. A1-770/46 dated the 28th January 1948.

The Director of Agriculture is informed that the Government do not consider that there is any case to relax the general ruling contained in Government Memorandum No. 111983-AI/47-2 ~~date~~ Development Department dated the 3rd January 1948 in the case of Mohamed Zainulabdeen Saheb, Upper Subordinate.

Assistant Secretary to Government

To the Director of Agriculture.

DEVELOPMENT DEPARTMENT.

Sub: ESTABLISHMENT - Agriculture - Upper Subordinates - Mohmed Jainulabdeen Sahib - Seniority for confirmation
Ref: From the Director of Agriculture, No. A1-770/46 dated the 13th November 1947.

Mohmed Jainulabdeen Sahib, an Upper Subordinate in the Madras Agricultural Subordinate Service was first appointed on probation in III grade from 7th June 1940 (last grade). Subsequently he was appointed as a direct recruit to I grade from 18th December 1943 under the then existing special rules for the Madras Agricultural Subordinate Service. Had the graded system been in force, he would be entitled for confirmation is one of the vacancies in the I grade with reference to seniority based on the date of commencement of probation in that grade. But the old graded system has been abolished in G.O. No. 2609 Dev. dated the 16th June 1944 with effect from 1st July 1944 and run on scale of pay has been introduced.

2. In his letter on page 1 c.f. the Director of Agriculture has enquired whether the claims of the Upper Subordinate for confirmation should be considered with reference to the date of his commencement of probation in the last grade (III grade), or whether he can be given any special treatment for confirmation in view of the fact that he was recruited for appointment to I grade. Inas much as the Upper Subordinate was recruited for appointment to I grade, it would appear that he has a right for confirmation to one of the vacancies in that grade if one existed prior to the date of abolition of the grade system, in which he could have normally confirmed. If, however, there were no vacancies in the I grade prior to 1st July 1944, the date on which the graded system was abolished, in which he could have been confirmed, he should take this chance along with others with reference to the date of his commencement of probation in the III grade, namely, 7-6-1940, along with others.

Public (Services) may advise.

xx/26.11.1947

PUBLIC (SERVICES) DEPARTMENT.

Please see the note of the Dev. Deptt. on p.1 ante. The correct procedure to be followed in the case is to fix the seniority with reference to the date of first appointment to the category irrespective of the grade to which the upper subordinates were appointed unless any instructions to the contrarary had been issued at the time of issue of G.O. No. 2639 Dev. dated 16th June 1944.

With the above remarks, the file may be returned to Dev.

xx/7.12.47

DEVELOPMENT DEPARTMENT.

The notes from page 1 above may be perused.

2. Public (Services) consider that the correct procedure to be followed in the case is to fix the seniority with reference to the date of first appointment to the category irrespective of the grade to which the Upper Subordinates were appointed unless any instructions to the contrary had been issued at the time of issue of G.O. No. 2369 Dev. dated 16th June 1944. No instruction has so far been issued regarding the fixation of seniority consequent on the introduction of the running scale. Public (Services) view may perhaps be accepted and the Director of Agriculture informed accordingly. Subject to orders, a draft Memo to the Director of Agriculture is submitted below for consideration. ~~After~~

N.M.M/17.12.47
Asst. Secy.

Draft may issue.
W.R.S.S(attianadhan)/19.12
Secretary.

K.M(adhava Menon)/25.12.
H.M,(Agriculture)

/Issued as Memo No.111983-A1/47.2 dated 3-1-1948/

Submitted that it does not seem necessary to keep this file open. With reference to the last sentence of the Memo on p.3 c.f. it does not seem necessary to wait for the D.A's report. If the D.A. submits any report it may be dealt with under a fresh current. The papers may therefore be closed and recorded

xx/23.1@1948

G.O.(Ms) No. 349 Dev. dated 26th January 1948.

ESTABLISHMENT : AGRICULTURE : UPPER SUBORDINATES : FIXATION OF seniority for purpose of confirmation consequent on the introduction of the running scale of pay - Instructions issued - Papers - Recorded.